

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.11316 of 2022

Deepak Kumar Swain

Petitioner

....
Dr.Susant Kumar Kanungo, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr.S.Mishra, A.S.C.

**CORAM:
JUSTICE A.K.MOHAPATRA**

ORDER

13.10.2022

Order No.

02. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner, learned Addl. Standing Counsel for the State. Perused the records.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioner for anticipatory bail, involving offence punishable under Sections 395 of the Indian Penal Code read with Section 25/27 of the Arms Act, 1959.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner does not have criminal antecedents. Learned Additional Standing Counsel on the other hand submits that charge sheet has been filed which does not reveal the name of the Petitioner. Further, it is submitted by the learned Additional Standing Counsel that the investigation is still open.
5. Considering the seriousness of the allegation, gravity of the offence and the facts of the case, although I am not inclined to grant

anticipatory bail to the Petitioner, however it is observed that, in the event the Petitioner surrenders and moves for bail before the learned S.D.J.M., Bhadrak in Bhadrak Town P.S. Case No.448 of 2022 within a period of three weeks from today, he shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case, but subject to verification of criminal antecedents.

While imposing conditions for bail, learned Magistrate shall also impose the following additional conditions –

- (i) The Petitioner shall cooperate with the investigation and appear before the I.O. as and when required by the I.O.;
- (ii) He shall appear before the trial court on each and every date fixed;
- (iii) He shall appear before the concerned P.S. in every fortnight preferably on Sunday between 10 A.M. to 1 P.M. till submission of charge sheet and once in a month till conclusion of trial.

Violation of any of the conditions shall entail cancellation of bail of the Petitioner.

- 6. The ABLAPL is disposed of accordingly.
- 7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge